

DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

We, Frank D. Mendicino, Kenrick M. Lewis, and Thomas E. Childress, hereby declare that we are citizens of the United States, and I, Hua Yu, , declare that I am a citizen of the People's Republic of China, and I, Sebastiano Magri, declare that I am a citizen of Italy, and we all (hereafter "we") declare that our residences are as stated below next to our names. We believe that we are the original and only inventors of the invention entitled SURFACE-ACTIVE ADDITIVES IN THE DIRECT-SYNTHESIS OF TRIALKOXYSILANES described and claimed in our original application No. 08/729,266, filed October 10, 1996, and the resulting United States Patent No. 5,783,720 which issued July 21, 1998 ("the '720 patent"), and for which invention a reissue patent is solicited.

We do not know and do not believe that the invention of the '720 patent was ever known or used in the United States before our invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventors' certificate in any country foreign to the United States prior to the date of the original application on an application filed by us or our legal representatives or assigns more than 12 months before the original application.

We have reviewed and understand the contents of the attached specification, including the

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We believe that through error, without any deceptive intent, the '720 patent is partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. In particular, there is a possible defect in independent claim 1 as issued, in that it is unduly narrow and not commensurate in scope with the description in the specification and what we believe our invention to encompass. Because it is unduly narrow, it may impact the scope of all other claims 2-18 which depend directly or indirectly on one of claim 1.

Therefore, by reason of the above-described errors, claims presented in original Patent 5,783,720 are possibly not broad enough to cover all aspects of the invention disclosed in the patent. The possible unduly narrow scope of the claims resulted from a failure by ourselves, the assignee and counsel to realize that the claims did not cover all that was intended to be covered as set forth in the specification. By this reissue application, the identified errors are believed to be corrected.

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Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,783,720, and request that Letters Patent be reissued to ourselves and the assignee, CKWitco Corporation., for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint Marlana K. Titus (Reg. No. 35,843) and Caroline Nash (Reg. No. 36,329) of Nash & Titus, LLC, 3415 Brookeville Road, Suite 1000, Brookeville, Maryland 20833, (301) 924-9600 (to whom all communications are to be directed) individually and collectively as our attorneys to prosecute this application and to transact all business in the Patent and Trademark office connected therewith and with the resultant Patent.

Inventor's Name: Frank D. Mendicino

Inventor's Residence: 111 Heiss Drive
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Inventor's Citizenship: U.S.A.

Inventor's Signature: _____

Date Signed: _____

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Inventor's Name: Kenrick M. Lewis

Inventor's Residence: 98-40 57th Avenue, #9M
Rego Park, New York 11368

Inventor's Citizenship: U.S.A.

Inventor's Signature: Kenrick M. Lewis

Date Signed: Dec. 7, 1999

Inventor's Name: Sebastiano Magri

Inventor's Residence: Via Asia 55
83039 Termoli (CB)
Italy

Inventor's Citizenship: Italy

Inventor's Signature: _____

Date Signed: _____

Inventor's Name: Hua Yu

Inventor's Residence: 12-17 Granada Crescent
White Plains, New York 10603

Inventor's Citizenship: People's Republic of China

Inventor's Signature: Hua Yu

Date Signed: Dec. 7, 1999

Inventor's Name: Thomas E. Childress

Inventor's Residence: Route 1
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Inventor's Citizenship: U.S.A.

Inventor's Signature: Thomas E. Childress

Date Signed: Dec 7, 1999

000210-22983750

DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

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We have reviewed and understand the contents of the attached specification, including the

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claims, as amended by any amendments specifically referred to in this Declaration. We acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with 37 C.F.R. §§ 1.56(a) and 1.175(a) (7).

We believe that through error, without any deceptive intent, the '720 patent is partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. In particular, there is a possible defect in independent claim 1 as issued, in that it is unduly narrow and not commensurate in scope with the description in the specification and what we believe our invention to encompass. Because it is unduly narrow, it may impact the scope of all other claims 2-18 which depend directly or indirectly on one of claim 1.

This possible error in the claim language arose without deceptive intent during prosecution of the application before the United States Patent and Trademark Office. Upon reviewing the issued claims in September 1999 we realized that the language of claims 1-18 could be clarified.

Therefore, by reason of the above-described errors, claims presented in original Patent 5,783,720 are possibly not broad enough to cover all aspects of the invention disclosed in the patent. The possible unduly narrow scope of the claims resulted from a failure by ourselves, the assignee and counsel to realize that the claims did not cover all that was intended to be covered as set forth in the specification. By this reissue application, the identified errors are believed to be corrected.

All errors which are being corrected in the present reissue application up of the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,783,720, and request that Letters Patent be reissued to ourselves and the assignee, CKWitco Corporation., for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint Marlana K. Titus (Reg. No. 35,843) and Caroline Nash (Reg. No. 36,329) of Nash & Titus, LLC, 3415 Brookeville Road, Suite 1000, Brookeville, Maryland 20833, (301) 924-9600 (to whom all communications are to be directed) individually and collectively as our attorneys to prosecute this application and to transact all business in the Patent and Trademark office connected therewith and with the resultant Patent.

Inventor's Name: Frank D. Mendicino

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Date Signed:

December 14, 1999

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Date Signed: 12/11/99

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Date Signed: _____

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Newport, Ohio 45768

Inventor's Citizenship: U.S.A.

Inventor's Signature: _____

Date Signed: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

MENDICINO et al. REISSUE of U. S. Patent No. 5,783,720,

Appln. No.: TBA

Group Art Unit: TBA

Filed: Herewith

Examiner: TBA

Title: SURFACE-ACTIVE ADDITIVES IN THE DIRECT SYNTHESIS OF
TRIALKOXYSILANES

ASSENT OF ASSIGNEE

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:


The undersigned states the following:

1. The undersigned is assignee of the entire interest in the United States Letters Patent No. 5,783,720, as indicated in Assignment recorded and given Reel #009731, and Frame #0496.

2. The evidentiary documents regarding the assignment of the United States Letters Patent No. 5,783,720 have been reviewed and the undersigned assignee certifies that, to the best of assignee's knowledge and belief, title to this patent is in the assignee.

3. The undersigned assignee hereby assents to the accompanying reissue application.

CK Witco Corporation

By: 
Name: Joseph J. Waiter
Title: Deputy General Counsel

Date: November 29, 1999